

**MEDICAL EXAMINING BOARD
MINUTES
DECEMBER 16, 2009**

PRESENT: Carolyn Bronston, Jude Genereaux, Dr. Jerold Harter, Dr. Sujatha Kailas
Dr. Jack Lockhart, Dr. Raymond Mager, Dr. Suresh Misra, Dr. Ian Munro
(connected by phone), Dr. Gene Musser, Dr. Sandra Osborn, Dr.
Bhupinder Saini, Dr. Sheldon Wasserman

EXCUSED: None.

STAFF: Gail Sumi, Division Administrator; Michael Berndt, General Counsel;
Kimberly Wood, Bureau Assistant; other DRL staff

GUESTS: Dick Faust, PA-C; Wisconsin Council on Physician Assistants; Eric
Jensen, Wisconsin Association of Physicians Assistants (WAPA) &
Wisconsin Society of Anesthesiologists (WSA); Judy Warmuth,
Wisconsin Hospital Association (WHA); Mark Grapentine, Wisconsin
Medical Society (WMS)

CALL TO ORDER

Gene Musser, Chair, called the meeting to order at 8:08 a.m. a quorum of twelve (12)
members was present.

APPROVAL OF AGENDA

Amendments to the Agenda:

- Before Item “F” (open session) Place the letter “E” before the item titled “FSMB
Update – Gene Musser, Sue Kailas and Sandra Osborn”
- After Item “H” (closed session) “Issuance of Complaints Received in the Bureau
After the Mailing of the Agenda” – ADD:
 - 06 MED 399
 - 09 MED 404
 - 09 MED 418
- Item “I” (closed Session) “Monitoring”
 - ADDITION: “Ann Grunwald, MD – Request for Full Licensure” -
Additional information Received for Board Consideration
 - REMOVE: The follow individuals will be deliberated but will not appear
at today’s meeting:
 - Curtis Onstad, MD
 - Sheila Hockman, DO

MOTION: Suresh Misra moved, seconded by Jerold Harter, to approve the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF NOVEMBER 18, 2009

MOTION: Suresh Misra moved, seconded by Jerold Harter, to approve the minutes of November 18, 2009 as published. Motion carried unanimously.

**PRESENTATION OF PROPOSED STIPULATIONS AND FINAL DECISION
AND ORDER IN THE MATTER OF DISCIPLINARY PROCEEDINGS
AGAINST KENNETH KURT, DO BY ATTORNEY ARTHUR THEXTON**

Attorney Arthur Thexton, presented the Proposed Stipulation, Final Decision and Order in the matter of Kenneth Kurt, DO.

**PRESENTATION OF PROPOSED STIPULATIONS AND FINAL DECISIONS
AND ORDERS THAT MAY BE RECEIVED IN THE BUREAU AFTER
MAILING OF THE AGENDA**

None.

**PRESENTATION OF PROPOSED DECISIONS THAT MAY BE RECEIVED IN
THE BUREAU AFTER MAILING OF THE AGENDA**

None.

**PETITIONS FOR RE-HEARING THAT MAY BE RECEIVED IN THE BUREAU
AFTER MAILING OF THE AGENDA**

None.

**PETITIONS FOR SUMMARY SUSPENSION THAT MAY BE RECEIVED IN
THE BUREAU AFTER MAILING OF THE AGENDA**

None.

**PETITIONS FOR EXTENSION OF TIME IN CASES THAT MAY BE
RECEIVED IN THE BUREAU AFTER MAILING OF THE AGENDA**

None.

**REQUESTS FOR DISCIPLINARY PROCEEDING PRESENTATIONS THAT
MAY BE RECEIVED IN THE BUREAU AFTER MAILING OF AGENDA**

None.

**APPEARANCES FROM REQUESTS RECEIVED OR RENEWED AFTER
MAILING OF THE AGENDA**

None.

**SPEAKING ENGAGEMENT, TRAVEL AND PUBLIC RELATION REQUESTS
THAT MAY BE RECEIVED IN THE BUREAU AFTER MAILING OF THE
AGENDA**

None.

ADMINISTRATIVE REPORT

Michelle Schram introduced Rory McGarry who was a recently hired as a two year project investigator to work with the Medical Examining Board's enforcement team. The Board's membership and Mr. McGarry exchanged introductions.

Gail Sumi updated the Board regarding the Department's ability to make agenda packets available online. In order to ensure confidentiality is maintained a password would be required to access closed session portions of the agenda packets. Once the online agenda packet mechanism is in place the members of the board may choose to access their agendas online and may continue to receive paper copies of the packet.

Update on MEB Bureau Staff Recruitment

Gail Sumi advised the Board of the status of staff recruitment for several of the positions created by the Medical Board's new bureau. The Board discussed the timeframes for filling and training these future employees.

MEB in Marshfield for the November 18 Meeting

The Board was informed that its meeting at Marshfield Clinic was very well received. The Board reviewed an article regarding the Boards' visit to Marshfield Clinic which was published in the clinic's newsletter. Gail Sumi requested feedback from the Board regarding the recent out state meeting and indicated that another offsite meeting is anticipated to be held in 2010. Future meeting sites, suggestions for increasing attendance and a change in meeting times were a few of the suggestions made.

Report on Board Chair and Vice Chair Workshop

Gene Musser reported to the Board regarding his participation at the Board Chair & Vice Chair Workshop. Dr. Musser served on a panel of experienced Board Chairs which provided perspective to those in attendance. Sujatha Kailas and Sandra Osborn also reported on their attendance at this training session.

SCREENING PANEL REPORT

Jude Genereaux reported that thirty-seven (37) cases were reviewed, eight (8) cases were opened and three (3) ten day letters were sent.

LEGISLATIVE LIAISON REPORT

None.

Report on Discussion of Subcommittee to Discuss Possible Legislation Related to Reporting Requirements, Exam Requirements and Criminal Background Checks.

At the Board's last meeting Suresh Misra, Sheldon Wasserman and Gene Musser were appointed to a subcommittee to act as a working group to review potential legislation for reporting requirements, exam requirements and criminal background checks. A meeting of these individuals and department staff was scheduled for December 9, 2009 but was cancelled due to inclement weather. A new meeting will be arranged in the near future. It was requested that the Board expand the purview of the Board's workgroup. The Board took the following action:

MOTION: Sandra Osborn moved, seconded by Jerold Harter, to expand the purview of the Board's legislative review subcommittee to include summary suspensions as well as other possible legislation. Motion carried unanimously.

UPDATE ON PENDING ISSUES

Gail Sumi informed the Board that there is nothing to report as relates to the following topics.

1. Chelation Informed Consent Rule
2. GME For Licensure - 1 To 3 Years
3. Criminal Background Checks
4. Telemedicine

JANUARY 2010 REGULATORY DIGEST – SUGGESTIONS FOR ARTICLES – SUE KAILAS

Sujatha Kailas reviewed a draft of the regulatory digest with the Board. Sheldon Wasserman indicated that he would like to draft an article for the digest relating to the issue of medical chaperoning. The Board will conduct a final review of the draft at its January meeting. Additional topics and existing comments were discussed.

FSMB UPDATE – GENE MUSSER, SUE KAILAS AND SANDRA OSBORN

Gene Musser reported that he recently participated in a teleconference meeting of the FSMB Education Committee. The program for the annual meeting is still in development stages. There has been discussion regarding making parts of the annual meeting available. To this end Gene Musser has recommended that the public member workshops be made available as a webinar.

Sujatha Kailas reported that the FSMB Nominating Committee will meet the last week in January. The Committee has noted a decrease in the number of nominations received this year in comparison to those received last year.

Sandra Osborn provided a report regarding the work of the FSMB Editorial Board. She informed the Board of the publication of articles regarding impaired physicians within the FSMB Journal. Dr. Osborn announced that there will be a teleconference call offered by FSBM tomorrow regarding the MCAT. Dr. Osborn suggested the possibility of the Board reviewing a PowerPoint presentation on the USMLE at a future meeting.

**8:30 A.M. – APPEARANCE BY SHARON HENES, DRL MONITOR -
DISCUSSION OF NEW MODEL LANGUAGE FOR STIPULATIONS AND
REQUESTING THE DEPARTMENT MONITOR TO HAVE
DELEGATED AUTHORITIES**

Sharon Henes, Department Monitor - Division of Enforcement, appeared before the Board to present the new model language for stipulations and to request that the Board make a motion delegating certain monitoring related authorities. The delegated authority request submitted by Sharon Henes is outlined below. Discussion and consideration of this request ensued.

1. Requesting delegated authority to suspend per the new model stipulation language (based on the board liaison's recommendation) and to draft/issue the Order.
2. Requesting delegated authority to remove suspension once the continuing education/forfeitures/costs requirement (which the suspension was issued) is completed and to draft/issue the Order.
3. Requesting delegated authority to issue order removing limitation for the licensees whose orders state the limitation shall be removed upon completion of the continuing education and to draft/issue the Order. (Currently the monitor removed the limitation in the DRL system, however, employers ask for a copy of an order showing the limitation was removed.)

MOTION: Sujatha Kailas moved, seconded by Suresh Misra, to approve the delegated authority request made by the Department Monitor and to approve the new model language. Motion carried unanimously.

**APPLICATION ISSUES THAT MAY BE RECEIVED IN THE BUREAU AFTER
MAILING OF THE AGENDA**

None.

**EXAMINATION ISSUES THAT MAY BE RECEIVED IN THE BUREAU AFTER
MAILING OF THE AGENDA**

None.

**CONTINUING EDUCATION ISSUES THAT MAY BE RECEIVED IN THE
BUREAU AFTER MAILING OF THE AGENDA**

None.

**PRACTICE QUESTIONS THAT MAY BE RECEIVED IN THE BUREAU AFTER
MAILING OF THE AGENDA**

None.

**APPEARANCES FROM REQUESTS RECEIVED OR RENEWED AFTER
MAILING OF THE AGENDA**

None.

INFORMATIONAL ITEMS

None.

OTHER BUSINESS

None.

PUBLIC COMMENTS

None.

CLOSED SESSION

MOTION: Sheldon Wasserman moved, seconded by Sujatha Kailas, to adjourn to closed session pursuant to Wisconsin State statutes 19.85(1)(a)(b)(f) and (g) for the purpose of conducting appearances, reviewing monitoring requests and requests for licensure, deliberating on stipulations, administrative warnings, proposed decisions and orders, consulting with Legal Counsel and considering Division of Enforcement case status reports. Roll call vote: Carolyn Bronston-yes; Jude Genereaux-yes; Jerold Harter-yes; Sujatha Kailas-yes; Jack Lockhart-yes; Raymond Mager-yes; Suresh Misra-yes; Ian Munro-yes; Gene Musser-yes; Sandra Osborn-yes; Bhupinder S. Saini-yes; Sheldon Wasserman-yes. Motion carried unanimously.

Open Session recessed at 9:01 a.m.

RECONVENE IN OPEN SESSION

MOTION: Raymond Mager moved, seconded by Jerold Harter, to reconvene in open session. Motion carried unanimously.

Open session reconvened at 12:27 p.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION IF VOTING IS APPROPRIATE

MOTION: Jerold Harter moved, seconded by Carolyn Bronston, to reaffirm all motions made during closed session. Motion carried unanimously.

DELIBERATION OF PROPOSED STIPULATIONS

KENNETH KURT, DO (08 MED 283)

MOTION: Jerold Harter moved, seconded by Sandra Osborn, to reject the Findings of Fact, Conclusions of Law, Stipulation and Order in the matter of disciplinary proceedings against **Kenneth Kurt (08 MED 283)**. Motion carried. Opposed: 1; Abstained: 2

DELIBERATION OF PROPOSED STIPULATIONS THAT MAY BE RECEIVED IN THE BUREAU AFTER MAILING OF AGENDA

None.

DELIBERATION OF PROPOSED DECISION AND ORDER THAT MAY BE RECEIVED IN THE BUREAU AFTER MAILING OF AGENDA

None.

DELIBERATION OF ISSUANCE OF COMPLAINTS

07 MED 239

MOTION: Raymond Mager moved, seconded by Jack Lockhart, to find probable cause to issue a complaint in the matter of **07 MED 239**. Motion carried unanimously.

**ISSUANCE OF COMPLAINTS THAT MAY BE RECEIVED IN THE BUREAU
AFTER MAILING OF AGENDA**

06 MED 399

MOTION: Carolyn Bronston moved, seconded by Jerold Harter, to find probable cause to issue a complaint in the matter of **06 MED 399**. Motion carried unanimously.

09 MED 404

MOTION: Sujatha Kailas moved, seconded by Carolyn Bronston, to find probable cause to issue a complaint in the matter of **09 MED 404**. Motion carried unanimously.

09 MED 418

MOTION: Raymond Mager moved, seconded by Sandra Osborn, to find probable cause to issue a complaint in the matter of **09 MED 418**. Motion carried unanimously.

**DELIBERATIONS OF PETITIONS FOR SUMMARY SUSPENSION THAT MAY
BE RECEIVED IN THE BUREAU AFTER MAILING OF AGENDA**

None.

**DELIBERATION OF REMEDIAL EDUCATION CASES THAT MAY BE
RECEIVED IN THE BUREAU AFTER MAILING OF AGENDA**

None.

**DELIBERATION OF PETITIONS FOR EXTENSION OF TIME IN CASES
THAT MAY BE RECEIVED IN THE BUREAU AFTER MAILING OF AGENDA**

None.

**CONSIDER CLOSING DISCIPLINARY INVESTIGATIONS WITH WARNINGS
THAT MAY BE RECEIVED IN THE BUREAU AFTER MAILING OF AGENDA**

None.

**MATTERS RELATING TO COSTS THAT MAY BE RECEIVED IN THE
BUREAU AFTER MAILING OF AGENDA**

None.

MONITORING

**ANN GRUNWALD, MD
REQUEST FOR FULL LICENSURE**

Ann Grunwald, MD; her husband and business partner, Mark Grunwald, MD; and her representation, Attorney Amy Bradshaw, appeared before the Board relating to her request for full reinstatement of her license. Additional documentation supporting Dr. Grunwald's request was provided to the Board for consideration. Attorney James Polewski, Division of Enforcement Prosecutor, appeared to provide oral arguments opposing Dr. Grunwald's request for reinstatement.

MOTION: Bhupinder Saini moved, seconded by Ian Munro, to grant Ann Grunwald, MD's request for full reinstatement of licensure. Motion carried. Abstained: Jack Lockhart

(Dr. Jack Lockhart left the room for the duration of deliberation and voting.)

**CURTIS ONGSTAD, MD
REQUEST FOR FULL LICENSURE**

As identified in the approval of the agenda, Dr. Ongstad will not appear this meeting.

MOTION: Sheldon Wasserman moved, seconded by Sujatha Kailas, to deny Curtis Ongstad, MD's request for full licensure. Motion carried unanimously.

THE BOARD WANTS APPEARANCE AND ADDITIONAL

**SHEILA HOCKMAN, DO
REQUEST FOR FULL LICENSURE**

Attorney Richard Lewandowski, appeared before the Board to provide a statement and to answer questions relating to the request for full licensure submitted by Dr. Sheila Hockman, DO. Division of Enforcement Attorney Pamela Stach also appeared before the Board to answer questions regarding this request. The Board deferred action relating to Dr. Hockman's request until its January meeting.

**MONITORING OR IMPAIRED PROFESSIONAL PROGRAM CASES THAT
MAY BE RECEIVED IN THE BUREAU AFTER MAILING OF AGENDA**

None.

CONSULTING WITH LEGAL COUNSEL

Noted.

Division of Enforcement – Meeting with Individual Board Members

Noted.

**DIVISION OF ENFORCEMENT
CASE STATUS REPORTS AND CASE CLOSINGS**

06 MED 369

MOTION: Raymond Mager moved, seconded by Bhupinder Saini, to close case **06 MED 369** for prosecutorial discretion (P3). Motion carried. Abstain: Jack Lockhart

07 MED 232

MOTION: Sandra Osborn moved, seconded by Raymond Mager, to close case **07 MED 232** for no violation. Motion carried. Abstain: Sujatha Kailas

09 MED 017

MOTION: Jack Lockhart moved, seconded by Sandra Osborn, to close case **09 MED 017** for insufficient evidence. Motion failed. Opposed – 10

09 MED 148

MOTION: Jude Genereaux moved, seconded by Sujatha Kailas, to close case **09 MED 148** for no violation. Motion carried unanimously.

08 MED 387

MOTION: Suresh Misra moved, seconded by Ian Munro, to close case **08 MED 387** for no violation. Motion carried unanimously.

07 MED 219

MOTION: Sheldon Wasserman moved, seconded by Bhupinder Saini, to close case **07 MED 219** for no violation. Motion carried. Abstained: Jack Lockhart

07 MED 064

MOTION: Sujatha Kailas moved, seconded by Sandra Osborn, to close case **07 MED 064** for insufficient evidence. Motion carried unanimously.

07 MED 286

MOTION: Raymond Mager moved, seconded by Jude Genereaux, to close case **07 MED 286** for no violation. Motion carried unanimously.

CONSIDERATION OF WAIVER OF 12 MONTHS ACGME APPROVED POST-GRADUATE TRAINING FOR NARENDA NAHOO, MD

Narenda Nahoo, MD, appeared before the Board to answer questions pertaining to his request for waiver.

MOTION: Sandra Osborn moved, seconded by Carolyn Bronston, to approve the request for a waiver of the requirement for the twelve (12) months of ACGME approved post-graduate training and finds the education substantially equivalent for Narenda Nahoo, MD.
Motion carried unanimously.

**EXAMINATION ISSUES THAT MAY BE RECEIVED IN THE BUREAU AFTER
MAILING OF AGENDA**

None.

**APPLICATION ISSUES THAT MAY BE RECEIVED IN THE BUREAU AFTER
MAILING OF AGENDA**

None.

RATIFYING LICENSES AND CERTIFICATES

MOTION: Raymond Mager moved, seconded by Jerold Harter, to ratify all licenses and certificates presented. Motion carried unanimously.

ADJOURNMENT

MOTION: Ian Munro moved, seconded by Sheldon Wasserman, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 12:27 p.m.